

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY VIENTIANE

C O N F I D E N T I A L STATE 175888

E.O. 11652: GDS

TAGS: PFOR, EAID, LA, US

SUBJECT: ARTICLE 21 OF PARIS AGREEMENT ON VIETNAM

REF: VIENTIANE 4898

1. PER YOUR REQUEST PARA 10 REFTEL, DEPARTMENT'S POSITION
CONCERNING ARTICLE 21 OF PARIS AGREEMENT IS AS FOLLOWS.

2. THIS ARTICLE CONTAINS A STATEMENT OF THE INTENTION OF
THE UNITED STATES AT THE TIME THE AGREEMENT WAS SIGNED TO
CONTRIBUTE TO HEALING THE WOUNDS OF WAR IN VIETNAM AND
"THROUGHOUT INDOCHINA." THIS ARTICLE WAS NOT, HOWEVER,
A COMMITMENT TO PROVIDE AID AND, AS A STATEMENT OF POLICY,
WAS PREDICATED ON THE ASSUMPTION OF GOOD FAITH IMPLEMEN-
TATION OF AND COMPLIANCE WITH THE AGREEMENT BY NORTH VIET-
NAM. AS SECRETARY KISSINGER MADE CLEAR IN HIS PRESS CON-
FERENCE OF JANUARY 24, 1973, WE WOULD DISCUSS THE ISSUE
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OF ECONOMIC RECONSTRUCTION OF INDOCHINA "ONLY AFTER. . .

THE IMPLEMENTATION (OF THE AGREEMENT) IS WELL ADVANCED."

3. UNFORTUNATELY, NORTH VIETNAM DID NOT PROCEED TO IMPLEMENT AND COMPLY WITH THE AGREEMENT IN GOOD FAITH. IT PROCEEDED TO VIOLATE THE AGREEMENT'S MOST FUNDAMENTAL PROVISIONS BY INFILTRATING TROOPS AND MILITARY EQUIPMENT INTO

SOUTH VIETNAM AND EVENTUALLY TAKING OVER THE TERRITORY AND PEOPLE OF SOUTH VIETNAM BY MILITARY FORCE. NORTH VIETNAM'S MILITARY ACTIVITIES CONTINUED ALSO IN CAMBODIA IN VIOLATION OF ARTICLE 20 OF THE AGREEMENT, UNDER WHICH NORTH VIETNAM WAS OBLIGATED TO CEASE ITS MILITARY ACTIVITIES THERE AND SEEK TO BRING ABOUT A CEASEFIRE BETWEEN THE CAMBODIAN PARTIES. IN LAOS, WHERE THE LAO PARTIES DID ACHIEVE A CEASEFIRE, NORTH VIETNAMESE TROOPS REMAINED IN THE COUNTRY AND CONTINUED TO USE LAO TERRITORY IN VIOLATION OF THEIR OBLIGATION UNDER ARTICLE 20 OF THE PARIS AGREEMENT TO WITHDRAW IN ACCORDANCE WITH THE LAOS CEASEFIRE ACT OF FEBRUARY 12, 1973. THUS THE CONDITIONS UPON WHICH THE USG STATEMENT OF INTENTION IN ARTICLE 21 WAS PREDICATED NEVER CAME INTO EFFECT.

4. OF LESS IMPORTANCE, BUT ALSO RELEVANT TO ANY LAO EFFORT TO USE ARTICLE 21, IS OBVIOUS FACT THAT LAOS WAS NOT A PARTY TO THE PARIS AGREEMENT AND THEREFORE COULD NOT, IN ANY EVENT, CLAIM ANY RIGHTS UNDER IT.

5. FYI: DEPT LEGAL ADVISER'S OFFICE ADVISES THAT AS A LEGAL MATTER, THE PARIS AGREEMENT SHOULD BE REGARDED AS NO LONGER IN FORCE AND THAT THE USG NO LONGER HAS ANY OBLIGATIONS UNDER IT. OUR PUBLIC POSITION CONCERNING STATUS OF PARIS AGREEMENT IS NOW UNDER HIGH-LEVEL REVIEW. PENDING DECISION, COMMENTS SPECIFICALLY CONCERNING ARTICLE 21 SHOULD BE LIMITED TO PARAS 2 THROUGH 4 ABOVE. END FYI. HOWEVER, YOU SHOULD GO ON TO SAY THAT OBVIOUSLY WE WOULD THEREFORE HAVE TO CONSIDER ANY PGNU REQUEST FOR ASSISTANCE ON ITS OWN MERITS AND IN THE CONTEXT OF THE STATE OF OUR OVERALL RELATIONS AT THE TIME. KISSINGER

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